

THE ASSEMBLY OUSTS 5 SOCIALISTS



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GOV. SMITH IN MESSAGE ASKS FOR A DIRECT VOTE ON DRY LAW RATIFICATION

Doubts Legality of Constitutional Amendment and Wants Assembly to Rescind Ratification—Urges Immediate Approval of Treaty—Other Recommendations.

(Special to The Evening World.)
ALBANY, Jan. 7.—Gov. Alfred E. Smith in his message to the Legislature which convened at noon to-day, urged that New York's ratification of the Eighteenth Amendment to the Constitution be rescinded and the question submitted directly to the people at the general election in 1920.

The Governor holds that there are grave doubts as to whether "the proposed Amendment" has been legally adopted, and he asks for its submission to the popular vote not only as a matter of fair play to the people of New York but also as an example to other States which may have been misrepresented in the same way as New York. The part of the Governor's message dealing with the Amendment is as follows:

"Many of the best constitutional authorities in the country seriously question whether the Eighteenth Amendment to the Constitution was ever legally adopted. Some of these questions are now before the Supreme Court of the United States; some presented by citizens, and some by at least one of the States of the Union, I shall not enter into any discussion of the various grounds upon which this contention is based, but simply present to you some phases of the question and ask for your consideration and action upon them.

"There is grave doubt as to the power of a number of the State legislatures that have ratified the Eighteenth Amendment to do so in view of the referendum provisions of their respective constitutions vesting legislative power in the electorate. The question seems to depend upon the constitutions of the different States.

"Two of the most eminent constitutional lawyers in this State have considered this question and given written opinions in regard to it, in which they state:

"Until the question of the effect of these referendum provisions is finally decided, it seems to me that it would be proper and prudent to assume that it may be held by the courts that adverse action on the referendum will nullify the ratification, and that thereby the number of States duly ratifying may be reduced to less than the three-fourths required."

"It is my understanding that this question is to be passed upon by referendum in several of the States. Pending their action, and the ultimate decision thereon, the question

(Continued on Second Page.)

ASSEMBLY VOTES FOR OUSTING OF FIVE SOCIALISTS

Members Will Be Given Opportunity to Appear Before Committee Later.

By Martin Green.
(Special Staff Correspondent of The Evening World.)
ALBANY, N. Y., Jan. 7.—The Assembly took unprecedented drastic and dramatic action against Communism this afternoon when by a vote on a resolution presented by Majority Leader Adler the five Socialist members were declared ineligible and prevented from taking their seats. They have the right of appeal to a tribunal appointed by the Assembly.

The Socialists denied seats because of their adherence to revolutionary doctrines as determined by the platform of their parties are:

Samuel A. Dowitt and Samuel Orr of the Bronx, Charles Solomon of Kings, and Louis Wallman and August Chassens of Manhattan.

WILSON'S LETTER TO DEMOCRATS IS STILL A MYSTERY

Leaders Divided in Opinion on What He Should Write to Jackson Dinner.

By David Lawrence.
(Special Correspondent of The Evening World.)
WASHINGTON, Jan. 7. (Copyright, 1920.)—Should President Wilson discuss the treaty fight in his letter to the Jackson Day dinner of the Democratic Party which is being held here coincident with the meeting of the Democratic National Committee?

Two views prevail—those who believe that the silence which the President has maintained since the pact failed of a two-thirds vote in the last session of Congress should not be broken at a purely partisan gathering, but to the Senate; and those who say the Republican banquets and political meetings recently, including the Ohio Society dinner in New York, have given the impression that the President is standing up against the so-called Americanizing of the treaty and League by reservations, and should use the occasion to explain his position.

Just what the President will say is an secret, for the simple reason that he will reserve till the last minute the opportunity to pen his thoughts to the banquet.

DEMOCRATS MORE LIVELY THAN THE REPUBLICANS.

For a supposedly declining party, the Democrats are putting up an even livelier front than the Republicans when they were here for their National Committee meeting recently. Possibly it is because the Democrats have a sort of free-for-all contest on, and perhaps it is because there are to be present such veteran figures as William Jennings Bryan and Senator Oscar Underwood and Senator Gilbert M. Hitchcock and Attorney General Palmer, all of whom have made the nominating conventions of recent years very interesting.

Anyway, the Democrats have managed to work up considerable interest in the National capital and each and every candidate for the Presidency or his friends are on the job talking about issues, personalities, treaty fight and what not. In contrast to the Republican meeting, where it was considered better strategy to suppress talk of individuals and concentrate on party harmony, the Democrats reveal the very opposite—a talkativeness about everything.

Judging by the number of speeches—nearly four hours of them—which is planned at the banquet, which by the way, is to be held in two separate

(Continued on Nineteenth Page.)

THOUSANDS LOSE LIVES IN MEXICAN EARTHQUAKE; ENTIRE TOWNS WIPED OUT

Floods Follow Volcanic Eruptions Sweeping Many Away in Rushing Torrents.

WHOLE VILLAGE BURIED

Government Hurries Relief; Soldiers Seeking to Rescue Victims in Many Places.

MEXICO CITY, Jan. 7.—Thousands of lives are reported lost as a result of the earthquake which shook the State of Vera Cruz Saturday night. So widespread was the damage done by the shock and so wild are some of the sections that suffered from it that it is probable the number of casualties will never be known.

Private dispatches received here from Vera Cruz and Jalisco state that 1,000 persons lost their lives at Coahuila. These reports, which are said at both cities to be reliable, confirm information given out by Presidential military headquarters. Thirty lives were lost at Teocelo, where three churches and forty houses were destroyed.

Several oil wells near Tuxpam have been spouting petroleum since the earthquake, according to advices from Vera Cruz. Floods have inundated great districts.

Relief was started from the city of Vera Cruz almost immediately upon receipt of word of the death and destruction wrought. The government sent out forces of men and trains to bury the dead and care for the injured and homeless.

One of the most tragic features of the disaster was the engulfing of the entire village of Calcahualco, which formerly nestled in the slopes of the mountains. Its 200 residents were mostly families of rebel leaders and their followers operating in the Gulf region. Survivors from that vicinity report nothing left of the hamlet except a pile filled with debris which they were unable to even approach. A detachment of soldiers has been sent from Huasteco to bury the victims.

TIA JUANA WILL GET BIG FIGHT SAYS MANAGER KEARNS

Conditional Acceptance of Terms by Carpenter Is Received at Los Angeles.

LOS ANGELES, Cal., Jan. 7.—"Tia Juana, Mexico, will get the Dempsey-Carpenter fight," said Jack Kearns, manager of the world's champion, when advised to-day by the Associated Press of Georges Carpentier's conditional acceptance of Promoter Coffroth's offer.

Kearns said he would prepare a further statement within a few hours.

Regarding the date for the match, Coffroth, in a statement given out of San Diego, said he could not fix it definitely although he expressed a desire to hold it as soon as the arena is plans could be constructed at Tia Juana. This arena, he announced, would seat 50,000 persons. Construction, he declared, would take several months.

The site of the arena will be near the track and big grandstand of the lower California Jockey Club.

Referring to participation in the negotiations by Charles Harvey, his representative in Paris, Coffroth said the only instructions given to Harvey were to offer the best terms possible to Carpentier's manager. "Until I hear from Harvey of Descomps," he said, "I shall be more or less in the dark, of course, and it will not take long to start operations here when we hear from the other side. I am sure I am not oversteering when I say I hope for an attendance which will total \$1,500,000."

"The division of the money is another question which the boxers must decide."

ANNA MANSON, "RED SUNLIGHT," ON WAY TO ELLIS ISLAND



MOTHER WITH GUN TRIES TO SHIELD A DRAFT DODGER

Grover Bergdoll Arrested in Philadelphia After Parent Is Disarmed.

PHILADELPHIA, Jan. 7.—Grover Bergdoll, one of two brothers accused of draft-dodging and who have been sought by the police for the last two years, was arrested to-day in his mother's home here.

The arrest was made after Mrs. Emma C. Bergdoll, mother of the two accused men, had kept the police at bay for several hours with a revolver, and she also was arrested.

Detectives finally broke into the house by the front and rear entrance. While one of the men wrestled the revolver from Mrs. Bergdoll, while the others went through the house and found Grover Bergdoll wrapped in a blanket, hiding in a box seat. He was without coat, vest or collar.

Mrs. Bergdoll was placed in a cell of the city station house near her home. She was charged with aggravated assault and battery with intent to kill.

Although born in this country, the Bergdolls were of German descent and declared they would never fight against Germany.

Grover Cleveland Bergdoll and his brother Erwin Bergdoll, have been wanted by the Government since the early days of the Administration of the draft laws. Heirs to a great Philadelphia fortune amassed by a successful brewer, each was provided with ample funds when he fled.

Bergdoll arrived at Manhattan Junction at 1 o'clock, handcuffed to James H. Sparks. The prisoner was taken to the large office and over to Governor's Island by boat.

The deserter wore a dilapidated slouch hat and an old army overcoat much the worse for wear. He was unshaven and had the outward appearance of a tramp. Under the army coat was a neat and fashionable suit of fine texture, a natty tie and handsome stockings.

At Governor's Island the million-dollar draft evader was turned over to Judge Advocate Major William C. Kelly, who put him in jail to await court martial.

"I'm very glad this whole thing is over," Bergdoll said, going over on the boat. "The reason for it all lies in the fact that I was adjudged a draft evader and deserter too quickly. If they had given me more time I wouldn't have chased all over the country as I did. I was never out of the country."

"I want to deny that I am pro-German, no matter what my mother may say. I bought bonds and participated in the Victory celebration in Baltimore. Once I had a ticklish escape. This was in Milwaukee where, with another draft evader, I left my car to go to the country. When we returned the detectives were waiting for me. I jumped through the back window of the garage, caught a trolley, beat it to another small town, bought another car and was on my way. I drew \$3,500 out of the bank when I started across the country."

WORLD RESTAURANT.
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MARTENS ORDERED DEPORTED FOR WORK AS LENINE AGENT; HUNTED BY U.S. AGENTS HERE

Watch for "Soviet Envoy" Kept Up at Brooklyn Home and on Trains for Canada—Suspected of Fleeing After Leaving "Dummy."

WASHINGTON, Jan. 7.—A warrant for the arrest and deportation of Ludwig C. A. K. Martens, self-styled Ambassador of the Russian Soviet Government, has been ordered executed by the Department of Justice.

Martens, regarded, officials said, as the real leader of the Communist Party in the United States, was said to be in Washington. His arrest was expected soon.

Determination of the Government to take Martens into custody was definitely made after all evidence which had a bearing on activities of the Russian Soviet Bureau in New York had been assembled by Assistant Attorney General Garvan.

Word that a warrant for the arrest of Martens had been issued at Washington increased the anxiety of Department of Justice agents here to ascertain the exact whereabouts of the self-styled "Soviet Ambassador." Notwithstanding circumstantial accounts of his presence in a Washington hotel, the local agents acted as though they believed he might be found in this vicinity.

MINERS ACCEPT WILSON PROPOSAL

Strike Settlement Plan Is Adopted by a Vote of 1,634 to 231.

COLUMBUS, O., Jan. 7.—By the overwhelming vote of 1,634 for to 231 against, the reconvened convention of the United Mine Workers of America to-day voted affirmation of the action of the international officers in accepting President Wilson's proposal to settle the coal strike.

According to Acting President Lewis, the affirmation carries with it an agreement to abide by the decision of the commission named by the President to arbitrate the differences between miners and operators.

MEXICANS MURDER ANOTHER AMERICAN

Oil Employee at Tuxpam Slain by Federal Army Officer, State Department Hears.

WASHINGTON, Jan. 7.—Gabriel Porter, an American citizen in the employ of Penn-Mex Company, was shot and killed by a Mexican Federal Army officer at Tuxpam on Dec. 21, according to advices received by the State Department to-day from the American Consul at Tampico.

The Consul immediately was ordered to report further information and if the circumstances warranted to urge the local authorities in the Tampico district to arrest and punish the guilty person.

This makes a total of twenty Americans killed in the Tampico district since April 7, 1917. Eight of them were employees of American oil companies.

The State Department is awaiting a complete report on the murder near Port Lobos of P. J. Holl and Earle Bowles, American employees of the International Petroleum Company. The American Embassy at Mexico City also has been directed to make urgent representations to the Mexican Government for the punishment of the murderers.

Colonial Steamer Pulled Off Reef After Five Hours.

After being aground on the Hen and Chickens Reef, half a mile off Longmont, for more than five hours, the Colonial line passenger steamer Lexington was pulled off by two tugs this morning at 10 o'clock. The vessel was making her usual run from Providence to New York and got off her course in a heavy fog.

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RESTAURANT PRICES GO UP AFTER BILL OF FARE IS MADE OUT

"I look at the bill of fare, Your Honor," Nathan Fuchsman told Magistrate Schwab in Essex Market Court to-day regarding his experience in the restaurant of Alexander Olansky at No. 64 Avenue A. "And I see there, herring, fifteen cents and coffee, five cents and I eat them. Then the check, it is for twenty-five cents. I ask the proprietor what is the matter with his addition. He says prices have gone up since he made out the bill of fare in the morning. He gives me no change and throws me from the door out into the street." Magistrate Schwab fined Olansky \$5 for "gross profiteering."

Raising Entries on Page 2.

RECORD BREAKING PURSES OF PAST BIG FIGHTS: \$400,000 TOPS THEM ALL.

Following are the record breaking purses and stakes fought for by ring fighters in the past, but that of \$400,000, just offered by James Corbett to Jack Dempsey and Georges Carpentier, tops them all.

1915	Willard-Dempsey	\$127,500
1910	Jeffries-Johnson	101,000
1906	Faine-Nelson	60,750
1900	Jeffries-Sherkey	60,300
1903	Jeffries-Corbett	62,244
1906	Corbett-McCoy	52,250
1903	Nelson-Britt	42,311
1902	Corbett-Sullivan	42,000
1903	Phisahnmons-Hall	40,000
1904	Britt-Young Corbett	32,245
1902	Jeffries-Phisahnmons	31,870
1904	Corbett-Mitchell	20,650
1905	Nelson-Britt	27,774
1907	Phisahnmons-Corbett	25,000
1902	McAuliffe-Billy Meyer	20,000

TAKE DELI-AN AFTER MEALS AND 1920
HOT AND COLD DISBURSAL HOUSE FOR 1920—1920

WEDDING BELLS—Harris Theatre,
230 East 7th Street, New York, N. Y.